

REMARKS

This Amendment is responsive to the Final Office Action dated January 8, 2009. Applicant has amended claims 1, 19 and 20. The remaining claims are unchanged. Upon entry of this Amendment, claims 1 and 4-20 remain pending.

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1, 4-14 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Nelson et al. (U.S. Patent No. 6,480,745, hereafter "Nelson") in view of Stawikowski et al. (U.S. Patent Publication No. 2002/0046239, hereafter "Stawikowski") and further in view of Trusheim et al. (U.S. Patent No. 6,385,589, hereafter "Trusheim"). Applicant respectfully traverses the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no rational reason for modification to arrive at the claimed invention.

On page 5 of the Office Action, the Examiner maintained his assertion that Trusheim teaches the translation web service of claim 1. More specifically, the Examiner noted that the recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art; and if the prior art structure is capable of performing the intended use, it meets the claim limitation. While Applicant does not acquiesce as to the Examiner's interpretation of any of the applied references, Applicant respectfully submits that Trusheim fails to teach or suggest the translation web service of amended claim 1.

Applicant has amended independent claims 1, 19, and 20 for the purpose of clarification. Amended claim 1, for example, recites a translation web service having an input method configured to receive medical data in a first format and an output method configured to return the medical data in a plurality of output formats. The translation web service is also configured to receive a request for one of the plurality of output formats from an invoking application. Additionally, the output method is configured to return the medical data to the invoking application in the requested output format. Similar amendments have been made to independent claims 19 and 20. Support for these amendments can be found throughout the application as originally filed, including, for example, paragraphs [47] and [48] of the specification.

Trusheim discloses a translator 31 that converts multiple input formats into a single output format. Trusheim explicitly states that the single output format is a standard format. To be sure, Trusheim states that the “primary function of translator 31 is to provide mapping of source files to standard data elements and code value names.” See Trusheim, col. 8, lines 16-18. The standard data elements and code value names are of a single output format.

Thus, Trusheim clearly fails to disclose or suggest a translation web service having an output method configured to return medical data in a plurality of output formats. Furthermore, the translator 31 of Trusheim is not configured to, and is not capable of receiving a request for one of a plurality of formats, and returning medical data in the requested output format, as recited in claim 1 of the present application. None of the remaining cited references overcome the deficiencies of Trusheim. Accordingly, claim 1 is patentable over the combination of Nelson, Stawikowski, and Trusheim.

Additionally, Applicant maintains the position taken in the previous Amendment (Amendment dated September 29, 2008, responding to Office Action mailed June 30, 2008) with respect to the translation web service. For example, claim 1 recites a web service as a service for performing a data exchange function between the means for acquiring medical data and the means for handling medical data. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to have combined the disclosures of Nelson, Stawikowski, and Trusheim to arrive at the claimed invention.

The translator 31 of Trusheim is intended to convert files stored in various legacy data systems into a single, common format. Trusheim is not however, related to a translation web service that performs a data exchange function between two means, as recited in claim 1. On page 5 of the Office Action, the Examiner suggests that the web server 50 of Trusheim being in communication with the translator 31 somehow supports the assertion that Trusheim includes a translation web service. Applicant respectfully disagrees. The translation services provided by the translator 31 are performed wholly within the translator 31. See Trusheim, Fig. 3. As described above, the translator 31 simply converts input data into a common output format. The fact that the translator 31 may have some attenuated connection to a web server does not transform the translator 31 into a translation web service.

Trusheim includes no teaching as to how to modify its teachings to comply with receiving any other sort of input data, e.g., medical data from a means for acquiring medical data,

or a means for handling medical data as claimed in claim 1. Stawikowski also does not provide any disclosure regarding a method of modifying the teachings of Trusheim. Accordingly, even if one of ordinary skill in the art had found a reason to combine the applied references, one would not have arrived at the requirements of claim 1.

For at least these reasons, independent claims 1, 19, and 20 are patentable over the applied references. Claims 4-18 depend from claim 1, and are therefore patentable for at least the same reasons as claim 1, and because they recite additional patentable features. In light of the deficiencies of the applied references with respect to the independent claims, Applicant declines to comment further with respect to the dependent claims. However, Applicant reserves the right to comment further on all of the pending claims in future responses and amendments.

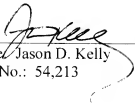
CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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